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12 Attorney for Plaintiff,
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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

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18 JERMAINE MONTIEL,
19 Plaintiff,
20 vs.
21 OFFICER M. WILLIAMS, Badge No.
3751; SERGEANT C. SHEPPARD,
Badge No.. 3125; OFFICER
HERNANDEZ, Badge No.. 3898;
OFFICER RODRIGUEZ, Badge No..
3087; JOHN DOE and RICHARD ROE;
ROBERT DAVIS; CITY OF SAN JOSE,
25 Defendants.

CASE NO.: C07-05490 JF

STIPULATION TO CONTINUE
TRIAL AND RELATED DATES;
[PROPOSED] ORDER

Trial Date: May 23, 2011
Judge: Hon. Jeremy Fogel
Courtroom: 3

26 The parties to this action, by and through their attorneys of record, Michael Groves for
27 Defendants and Anthony Boskovich for Plaintiff, hereby stipulate as follows:
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1 This case is currently set for trial on May 23, 2011. However, Defendants' counsel,
 2 Michael R. Groves, after 22 fascinating and active years at the San Jose City Attorney's
 3 Office, is retiring to pursue other interests. Mr. Groves' last day is April 11, 2011. All
 4 Defense matters in this case have been solely handled by Mr. Groves. All of his numerous
 5 cases, including the *Montiel* matter will have to be reassigned to other counsel. The work
 6 and trial schedules of all of the likely inheritors of this case will not allow for adequate
 7 preparation time or for the trial to occur as currently scheduled.

8 Plaintiff's counsel, Anthony Boskovich, in his typical professional fashion, has
 9 graciously agreed to a continuance of the trial and related dates.

10 In light of this and attorneys' calendars, the parties hereby stipulate to continue the
 11 trial date and related pretrial dates and seek the Court's approval for the same.

12 The current trial and pretrial dates are as follows:

| | |
|--|--------------------------|
| 13 Expert Disclosures due: | March 4, 2011 |
| 14 Close of Fact Discovery: | April 8, 2011 |
| 15 Close of Expert Discovery: | April 22, 2011 |
| 16 Pre-Trial Conference: | May 13, 2011 at 11:00 am |
| 17 Jury Selection: | May 20, 2011 |
| 18 Jury Trial: | May 23, 2011 |

19 The parties seek the following new schedule:

| | |
|--|-----------------------------|
| 20 Expert Disclosures due: | August 5, 2011 |
| 21 Close of Fact Discovery: | September 2, 2011 |
| 22 Close of Expert Discovery: | September 16, 2011 |
| 23 Pre-Trial Conference: | October 7, 2011 at 11:00 am |
| 24 Jury Selection: | October 14, 2011 |
| 25 Jury Trial: | October 17, 2011 |

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1 BOSKOVICH & APPLETON
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3 Dated: March 23, 2011

4 _____/s/ Anthony Boskovich
5 ANTHONY BOSKOVICH
6 Attorney at Law

7 Attorney for Plaintiff,
8 JERMAINE MONTIEL

9 Dated: March 23, 2011

10 RICHARD DOYLE, City Attorney

11 By: _____/s/ Michael R. Groves
12 MICHAEL R. GROVES
13 Sr. Deputy City Attorney

14 Attorney for Defendants,
15 CITY OF SAN JOSE, ROBERT DAVIS,
16 OFFICER MATTHEW WILLIAMS,
17 SERGEANT CARLTON SHEPPARD,
18 OFFICER JUAN HERNANDEZ, and
19 OFFICER GERARDO RODRIGUEZ

20 ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

21 I attest that concurrence in the filing of this document by the signatories, Michael
22 Groves and Anthony Boskovich, has been obtained, and that a record of the concurrence
23 shall be maintained at the Office of the City Attorney.

24 Dated: March 23, 2011

25 By: _____/s/ Michael R. Groves
MICHAEL R. GROVES

26 IT IS SO ORDERED.

27 Dated: 3/29/11

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HON. JEREMY FOGEL
United States District Court Judge